



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

Octavio Moreno REYNA,

Defendant.

} Magistrate Case No.: '08 MJ 8388  
} COMPLAINT FOR VIOLATION OF  
} 21 U.S.C. § 952 and 960  
} Importation of a Controlled  
} Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about May 7, 2008, within the Southern District of California, defendant Octavio Moreno REYNA did knowingly and intentionally import approximately 0.58 kilograms (1.27 pounds) of heroin, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
R. JOSEPH ROTHROCK  
Special Agent  
Federal Bureau of Investigation

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8<sup>TH</sup>  
DAY OF MAY 2008.

  
ANTHONY J. BATTAGLIA  
UNITED STATES MAGISTRATE JUDGE

United States of America  
v.  
Octavio Moreno REYNA

## **STATEMENT OF FACTS**

This Statement of Facts is based on the reports, documents, and notes furnished to Federal Bureau of Investigation Special Agent R. Joseph Rothrock.

On May 7, 2008, at approximately 0745 hours, Octavio Moreno REYNA entered the United States, at the Calexico, California, West Port of Entry, through Pedestrian Lane #3. REYNA provided Customs and Border Protection Officer (CBPO) R. Tarin with a negative oral Customs declaration. REYNA provided CBPO R. Tarin with a California Driver's License and a birth certificate. CBPO R. Tarin referred REYNA for secondary inspection.

In the Pedestrian Secondary, CBPO E. Hernandez conducted a pat-down of REYNA. CBPO E. Hernandez noticed REYNA's shoes were heavier than normal. After further examination, one package wrapped in brown postal tape was located inside each of REYNA's shoes. A package was removed and probed revealing a black tar substance, which tested positive for the presence of heroin. A total of two packages weighing 0.58 kilograms (1.27 pounds) of heroin were located in REYNA's shoes.

Subsequent to his arrest, REYNA was advised of his Constitutional Rights per Miranda, which he acknowledged and waived. REYNA admitted to agents he had knowledge of illegal drugs located within his shoes and was to be paid \$600.00 for the smuggling venture.